

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEVEN DEAN PARKS,

No. C-12-1352 EMC (pr)

Plaintiff,

v.

**ORDER REVOKING *IN FORMA*
PAUPERIS STATUS**

T. PETERSON, R.N., and REYES, M.D,

Defendants.

This closed federal civil rights action, which this Court dismissed without prejudice for failure to exhaust administrative remedies, is on appeal. The Court of Appeals has referred the matter to this Court for a determination whether Plaintiff's *in forma pauperis* ("IFP") status should continue for this appeal. This Court determines that it should not. There are no valid grounds on which an appeal can be based. Consequently, the Court certifies that any appeal taken from the order of dismissal and judgment of this action is not taken in good faith and is therefore frivolous. Fed. R. App. P. ("FRAP") 24(a)(3)(A) (party granted leave to proceed IFP in district court may continue in that status on appeal unless the district court certifies that appeal is not taken in good faith); *Ellis v. United States*, 356 U.S. 674, 674–75 (1958); *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002).

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1 Accordingly, Plaintiff's IFP status is hereby **REVOKED**. The Clerk shall forthwith notify
2 Plaintiff and the Court of Appeals of this order. *See* FRAP 24(a)(4). Plaintiff may file a motion for
3 leave to proceed IFP on appeal in the Court of Appeals within thirty days after service of notice of
4 this order. *See* FRAP 24(a)(5).

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6 IT IS SO ORDERED.

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8 Dated: August 19, 2013

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11 EDWARD M. CHEN
12 United States District Judge
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